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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of  
Turner et. al.

Attorney Docket No.

107453-59476

Serial No.: 10/015,077

Conf. No.: 9530

Group Art Unit:

2155

Filed: October 26, 2001

For. SYSTEM AND METHOD FOR  
USING AN INSTANT  
MESSAGING ENVIRONMENT  
TO ESTABLISH A HOSTED  
APPLICATION SHARING  
SESSION

Examiner:

Kevin Bates

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following Response to the Notification of Non-Compliant Appeal Brief is being submitted in response to the Notification of Non-Compliant Appeal Brief dated November 9, 2007, for which a one month response period was set. As the initial response period was due on Sunday, December 9, 2007, and the present response is being submitted on Monday, December 10, 2007, the first business day following the Sunday response deadline, the present submission is believed timely filed.

EXPRESS MAIL CERTIFICATE (37 CFR 1.10)

Express Mail Label No. EM07387708545

Date of Deposit Dec 10, 2007

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name Sandra A. Zwick

Signature [Signature]

## REMARKS

The Examiner rejected the Appeal Brief which was originally filed on May 15, 2006, and most recently on October 22, 2007, asserting that The Summary Section did not map out each limitation of each independent claim, and that Claims 6, 24, 42, 52, 68 and 83 do not have their limitations mapped to the specification for support.

Applicant expresses with concern that, despite Applicants best efforts, the present case has not yet been approved for review by the Board of Appeals. Applicant further notes that different or additional items of the Appeal Brief are deemed non-compliant with each

Notification of Non-Compliance. For example:

- On 7/28/2006, the Appeal Brief was deemed non-compliant for not having proper headings (box 1 was checked).
- On 4/20/2007, the Appeal Brief was deemed non-compliant for not having every independent claim having each limitation mapped to portions of the specification by page and line number (box 4 was checked).
- On 7/19/2007, the Appeal Brief was deemed non-compliant (box 4 was checked), without any other comment. When Applicant called the Examiner to understand better what was deficient, the Examiner stated that the summaries for each of the independent claims in section V of the Appeal Brief were deficient, and that they must contain three things: First, each claim element must be provided directly from the claim; Second, the claim elements must be followed by the concise explanation of the elements; and Third, a precise citation to the specification must be made. Most notably, the Examiner also explained that Applicant had the last two portions correct, and was only missing the first portion, directly stating the claim elements.
- On 9/21/2007, the Appeal Brief was deemed non-compliant because, while the summary contained each independent claim, it does not map each claim to both the text and the figures of the specification, and that each claim's limitations need to have more mapping provided and not just some page numbers at the end of the claim (box 4 was checked).
- On 11/9/2007, the Appeal Brief was deemed non-compliant because the Summary Section did not map out each limitation of each independent claim, and that Claims 6, 24, 42, 52, 68 and 83 do not have their limitations mapped to the specification for support. (Box 4 was checked).

This latest Notice of alleged failure to “comply” with 37 C.F.R. 41.37 is now the fifth in a series of Non-Compliant Appeal Brief Notices issued by the present Examiner. Applicant requests, in earnest, that the Examiner allow the present Appeal Brief to be reviewed by the Board of Appeals, or, if after review of this most recent amended Appeal Brief it is determined that deficiencies still remain, that Applicant be notified of ALL such deficiencies in a single Notice. This process is not only shortening the potential enforceable period of a long-awaited issued U.S. Patent, but is also costing the Applicant additional fees in representing the matter.

Further, Applicant further conducted a telephonic interview with Examiner Glenton B. Burgess (SPE), and graciously appreciates the discussion and advice he has provided.

In good faith, Applicant has again reviewed the brief, and made the following revisions to meet the Examiner’s latest request:

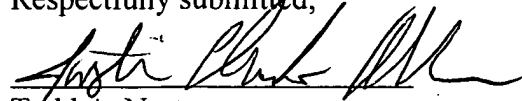
Each independent claim as summarized in section (V) of the Appeal Brief contains the claim, an explanation of the claim, and “more mapping” to add to the previously submitted page, line number and figure references to the specification. In particular, Applicant has noted that many elements as found in Claims 1, 6, 24, 42, 52, 68 and 83 are common to each other, and are similarly supported in the specification. Further, elements unique to each claim have been specifically mapped to the specification.

In the absence of more information from the Examiner identifying the asserted infirmity of the submitted Appeal Brief, Applicant’s Counsel has made and continues to make a good faith effort to identify and remediate potential infirmities, and accordingly, submits herewith a substitute Appeal Brief embodying the above revisions.

**Conclusion**

Applicant has amended the Appeal Brief in a diligent effort to put it in a form acceptable to the Examiner, and accordingly looks forward to receiving the Examiner's Brief.

Respectfully submitted,



Dated: December 10, 2007

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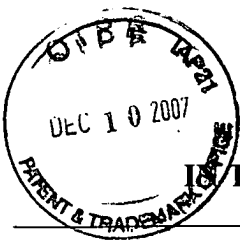
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Tod Turner

Group Art Unit: 2155

U.S. Application No.: 10/015,077

Examiner: Bates, Kevin T

File Date: October 26, 2001

Docket No.: 01-4016-US

For. SYSTEM AND METHOD FOR USING AN INSTANT MESSAGING  
ENVIRONMENT TO ESTABLISH A HOSTED APPLICATION SHARING  
SESSION

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**APPEAL BRIEF**

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Mail Stop Appeal Brief Patents  
Commissioner for Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313 1450

Dear Sir:

The above identified patent application comes before the United States Patent and Trademark Office Board of Appeals and Interferences from the Final Rejection of Claims 1-93 by the Examiner in an Official Action mailed October 11, 2005. Pursuant to the Notice of Appeal filed March 13, 2006, set forth below is the Appellant's Brief. An additional copy of this Brief together with the requisite fee set forth in 37 C.F.R. 41.20(b)(2) and 37 C.F.R. 1.17(f) are enclosed.

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**I. Real Party in Interest:**

The real party in interest in the above captioned application is LINQware, Inc., of 6161 NE 175th Street, Suite 205, Kenmore, Washington 98028.

**II. Related Appeals and Interferences:**

There are no appeals or interferences known to Appellant or Appellant's legal representative which will directly affect or be directly affected by or have a bearing on the Board's decision in this present appeal.

**III. Status of Claims:**

Claims 1, 5-6, 16-17, 20-21, 23-24, 34-36, 39, 41-42, 44 and 46-49 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Gudjonsson (U.S. Patent No. 6,564,261).

Claims 7-10, 13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83 and 88-93 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Salesky (U.S. Patent No. 6,343,313).

Claims 2-4, 18-19, 37-38 and 50-51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Slavin (U.S. Patent No. 6,675,193).

Claims 11-12, 29-30, 43, 53, 69 and 84 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Salesky as applied to claims 7-10, 13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83 and 88-93 above, and in further view of Danneels (U.S. Patent No. 5,524,110).

Claims 1-93 are the subject of the present appeal.

**IV. Status of Amendments:**

Amendment of claims 6 and 83 was sought in response to the Final Office Action of October 11, 2005, however the Examiner refused entry of these amendments. Claims 1-93, including the amendments proposed by Applicant in response to the Final Office Action, are shown in the CLAIMS APPENDIX, attached hereto.

**V. Summary of Claimed Subject Matter:**

Claim 1 recites: A method for communicating hosted application information to allow sharing of a hosted application session, comprising the steps of instantiating a first instant messaging client on a first network access device, said first network access device being remote from a hosted application server, said first network access device participating in a hosted network application;

establishing a communications path from the first network access device to a second network access device, said second network access device running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via a network, said communications path for communicating information using an instant messaging protocol between the first and second network access devices; and

using an instant messaging protocol to communicate hosted application information to the second network access device, said information comprising parameters for sharing the hosted application session being participated in by the first network access device.

As recited in claim 1, the present invention is a method for communicating hosted application information utilizing an instant messaging service to enable sharing of a hosted

application session. The method uses an instant messaging service to communicate parameters related to the hosted application to allow the hosted application to be shared. Accordingly, communications between instant messaging clients, which may be originally negotiated through an instant messaging server, are utilized to communicate parameters for sharing a hosted application session. (See, pg. 11, line 9 - pg. 13, line 15 and Figures 1-9.)

A hosted application is an application being executed on a host server and being accessed by a network access device. (Pg. 3, Lns. 1-2 and Figures 1-9) A shared application session is a session using an instance of a hosted application that is being concurrently accessed by more than one network access device. (Pg. 3, Lns. 3-5 and Figures 1-9)

An instant messaging service allows users of separate computers to communicate in real time, i.e., as a message is typed on one user's computer, it appears on the second computer's screen. (Pg. 6, Lns. 8-9 and Figures 1-9) Instant messaging utilizes software running on a first user's network access device, or accessible to the first user through a hosted application session, to communicate with a remote server, to identify other computers that may be available for instant messaging. Once a second network access device has been identified, data may be passed from the first user's computer to the second user's computer, and vice versa. The data is displayed on separate software clients, running on the computers involved in the communication, and instant messaging server.

The present invention, as embodied in claim 1, is distinct from instant messaging services in that it utilizes the instant messaging service to communicate parameters for a hosted application session, which is distinct from the instant messaging communications.

Claim 6 presently recites: A method for communicating hosted application information to allow sharing of a hosted application session comprising the steps of instantiating a first instant

messaging client on a first network access device, said first network access device being remote from a hosted application server, said first network access device participating in a hosted network application;

establishing a communications path from the first network access device to a second network access device, said second network access device running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via a network; and

receiving a request to issue an invitation from the first network access device to the second network access device, said invitation inviting a user of the second network access device to participate in a shared hosted application session through the second network access device, said invitation comprising parameters for sharing the hosted application session.

The present invention, as embodied in claim 6, is a method for communicating hosted application information utilizing an instant messaging service to enable sharing of a hosted application session. A hosted application is an application being executed on a host server and being accessed by a network access device. (Pg. 3, Lns. 1-2 and Figures 1-9) A shared application session is a session using an instance of a hosted application that is being concurrently accessed by more than one network access device. (Pg. 3, Lns. 3-5 and Figures 1-9)

An instant messaging service allows users of separate computers to communicate in real time, i.e., as a message is typed on one user's computer, it appears on the second computer's screen. (Pg. 6, Lns. 8-9 and Figures 1-9) Instant messaging utilizes software running on a first user's network access device, or accessible to the first user through a hosted application session, to communicate with a remote server, to identify other computers that may be available for instant messaging. Once a second network access device has been identified, data may be passed

from the first user's computer to the second user's computer, and vice versa. The data is displayed on separate software clients, running on the computers involved in the communication, and instant messaging server.

Additionally, the invention as embodied in Claim 6 utilizes the instant messaging system to additionally forward an invitation, comprising parameters for sharing the hosted application session, to a second user. (Pg. 15, Lns. 16-20 and Figures 1-9)

Claim 24 recites: A method for communicating hosted application information to allow sharing of a hosted application session comprising the steps of:

instantiating a first instant messaging client on a first network access device, said first network access device being remote from a hosted application server, said first network access device participating in a hosted network application;

establishing a communications path from a second network access device to the first network access device, said second network access device having a second network connection, said network connection having a band width, said second network access device further running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via the network connection, said communications path for communicating hosted application information using an instant messaging protocol between the first and second network access devices; and

receiving at the first network access device a request from the second network access device, said request requesting communication of hosted network application information to the second network access device to allow the second network access device to participate in a shared hosted application session.

The present invention, as embodied in claim 24, is a method for communicating hosted application information to allow sharing of a hosted application session, and is similarly supported in the Specification for common elements as described for Claims 1 and 6 above.

Additionally, the invention embodied in Claim 24 utilizes the instant messaging service to allow a user to additionally request parameters for sharing a hosted application session. (Pg. 18, Lns. 16-19 and Figures 1-9)

Claim 42 recites: A method for providing assistance for a hosted application to an accessor of the hosted application from a support network access device, comprising the steps of:

instantiating an instant messaging client on a network access device being used by the accessor; instantiating an instant messaging client on a support network access device; receiving a support request from the accessor network access device, said accessor network access device accessing a hosted application from a remote location, said request being a request for assistance for an on going hosted application session;

communicating to the support network access device hosted application information using an instant messaging protocol, said hosted application information comprising information for allowing the support network access device to share the on going hosted application session; and

instantiating an access to the on going hosted application session on the support network access device, said access causing the hosted application session to become shared with the support network access device.

The present invention, as embodied in claim 42, is a method for providing assistance for a hosted application to an accessor of the hosted application from a support network access

device, and is similarly supported in the Specification for common elements as described for Claims 1, 6 and 24 above.

Additionally, the invention embodied in Claim 42 utilizes the instant messaging service to additionally allow a support representative to be contacted via an instant messaging service and invited to join a hosted application session to provide support. (Pg. 9, Ln 20 to Pg. 10, Ln. 4, and Pg. 22, Lns. 11-18; Figures 1-9)

Claim 52 recites: A method for providing a hosted application training session, said training session including shared access to a hosted application session between at least one trainer and at least one trainee, said method comprising the steps of:

instantiating a hosted application session from a trainees network access device, said hosted application session hosted by a remote hosted application server, said trainees network access device being connected to a communications network, said remote hosted application server also being connected to the network;

instantiating an instant messaging client on the at least one trainees network access device;

instantiating an instant messaging client on at least one trainees network access device, said network access device having a trainee's connection to the communications network, said trainee's network connection having a bandwidth;

communicating to the at least one trainee's network access device a capability verification request;

determining whether said at least one trainee's network access device is capable of participating in a shared hosted application training session; and

when it is determined that said at least one trainee's network access device is capable of participating in a shared hosted application session, communicating to the at least one trainee's network access device hosted application information, said hosted application information comprising information allowing the at least one trainee's network access device to share a hosted application training session.

The present invention, as embodied in claim 52, is a method for providing a hosted application training session, and is similarly supported in the Specification for common elements as described for Claims 1, 6, 24 and 42 above.

Additionally, the invention embodied in Claim 52 utilizes the instant messaging service to additionally allow a trainer to communicate with a trainee to share parameters necessary to share a hosted application session. (Pg. 29, Lns. 7-15 and Figures 1-9)

Claim 68 recites: A method for providing a shared hosted application session, wherein said session is shared among a plurality of shared hosted application participants; comprising the steps of:

instantiating a hosted application session on a first network access device associated with a first application participant, said hosted application session being hosted by an application hosting server,

instantiating an instant messaging client on said first network access device;

using said instant messaging client to establish a communications path to at least a second network access device associated with at least a second participant, said second network access device having a second connection to the network, said second network connection having a bandwidth;

communicating to said at least second network access device a capability verification request;

determining whether said second network access device is capable of participating in a shared hosted application session;

when it is determined that said second network access device is capable of participating in a shared hosted application session, communicating to the at least second participant via the communications path an invitation to share the hosted application session;

when it is determined that said second network access device is capable of participating in a shared hosted application session, determining whether the at least second participant desires to participate in a shared hosted application session;

when it is determined that said second network access device is capable of participating in a shared hosted application session and that said at least second participant desires to participate in a shared hosted application session, communicating to said second network access device hosted application information, said hosted application information for allowing said second network access device to share a hosted application session; and

when it is determined that said second network access device is capable of participating in a shared hosted application session and that said at least second participant desires to participate in a shared hosted application session, instantiating an access to the shared application session on said at least second network access device in accordance with the communicated hosted application information.

The present invention, as embodied in claim 68, is a method for providing a shared hosted application session, and is similarly supported in the Specification for common elements as described for Claims 1, 6, 24, 42 and 52 above.

Additionally, the invention embodied in Claim 68 utilizes the instant messaging service to additionally communicate information regarding a potential participant's capability and willingness to enter into a shared application session. (Pg. 9, Lns. 3-13 and Figures 1-9)

Claim 83 recites: A computer readable medium tangibly embodying instructions which, when executed by a network access device, implement a process comprising the steps of

causing an instant messaging service to be instantiated on a first network access device, said first network access device having a first network connection to a network;

causing the instantiated instant messaging service to establish a communications path with a remote network access device, said remote network access device having a second network connection to a the network;

receiving at the first network access device a capability verification request;

determining whether the first network access device meets capability requirements, said capability requirements identified in the capability verification request;

communicating to the remote network access device whether the first network access device meets capability requirements;

when the first network access device meets capability requirements, receiving at the first network access device hosted application parameters for sharing a session; and

when said hosted application information indicates an available hosted application, attempting to establish a hosted application session with the available hosted application.

The present invention, as embodied in claim 83, is for a computer readable medium tangibly embodying instructions which, when executed by a network access device, implement a process including steps which have elements common to those described and supported for Claims 1, 6, 24, 42, 52 and 68 above.

Additionally, the invention embodied in Claim 83 is directed to software, stored on a readable medium, for utilizing an instant messaging service to arrange a shared hosted application session. (Pg. 13, Ln. 3 to Pg. 15, Ln. 8 and Figures 1-9)

**VI. Grounds Of Rejection To Be Reviewed On Appeal:**

**GROUND I**

Whether claims 1, 5-6, 16-17, 20-21, 23-24, 34-36, 39, 41-42, 44 and 46-49 are unpatentable under 35 U.S.C. § 102(e) as being anticipated by Gudjonsson (U.S. Patent No. 6,564,261).

**GROUND 2**

Whether claims 7-10, 13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83 and 88-93 are unpatentable under 35 U.S.C. 103(a) over Gudjonsson in view of Salesky (U.S. Patent No. 6,343,313).

**GROUND 3**

Whether claims 2-4, 18-19, 37-38 and 50-51 are unpatentable under 35 U.S.C. 103(a) over Gudjonsson in view of Slavin (U.S. Patent No. 6,675,193).

**GROUND 4**

Whether claims 11-12, 29-30, 43, 53, 69 and 84 are unpatentable under 35 U.S.C. 103(a) over Gudjonsson in view of Salesky and in further view of Danneels (U.S. Patent No. 5,524,110).

VII. Argument:

GROUND 1

*Whether claims 1, 5-6,16-17, 20-21, 23-24, 34-36; 39, 41-42, 44 and 46-49 are unpatentable under 35 U.S.C. §102(e) as being anticipated by Gudjonsson (U.S. Patent No. 6,564,261).*

The Examiner maintained his assertion that claims 1, 5-6,16-17, 20-21, 23-24, 34-36, 39, 41-42, 44, and 46-49 of U.S. Pat. App Ser. No. 101015,077 (hereafter the “077 Application”), the subject application of the present appeal, are anticipated by Gudjonsson, U.S. Pat. No. 6,564,261. 35 U.S.C. § 102(e) recites:

A person shall be entitled to a patent unless

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e). Consistently, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See, M.P.E.P. §2131 citing Verdegaal Bras v Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).*

The present invention, as set forth in claim 1, for example, is directed to the use of an instant messaging service to communicate parameters necessary to establish a shared hosted application session. Claim 1 provides:

1. (original) A method for communicating hosted application information to allow sharing of a hosted application session, comprising the steps of:

instantiating a first instant messaging client on a first network access device, said first network access device being remote from a hosted application server, said first network access device participating in ghosted network application;

establishing a communications path from the first network access device to a second network access device, said second network access device running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via a network, said communications path for communicating information using an instant messaging protocol between the first and second network access devices; and

using an instant messaging protocol to communicate hosted application information to the second network access device, said information comprising parameters for sharing the hosted application session being participated in by the first network access device. (emphasis added).

As recited in claim 1, which is a method claim, the first network device is already engaged in a hosted network application. Communications between instant messaging clients are then established. The established communications are then used to communicate parameters necessary for sharing the hosted application session. Unless a reference teaches the use of instant messaging communications to communicate information and parameters associated with the hosted application session to be shared, the reference cannot anticipate claim 1.

In the Examiner's Final Office Action, the Examiner maintained his assertion that "Gudjonsson teaches a method for communicating hosted application information to allow sharing of a hosted application session (Column 7, lines 44-57), comprising the steps of . instantiating a first instant messaging client on a first network access device (Column 3, lines 1-13), said first network access device being remote from a hosted application server (Column 3, lines 14-22), said first network access device participating in a hosted network application (Column 3, lines 38-45); establishing a communications path from the first network access device to a second network access device (Column 3, lines 46-57), said second network access device running a second instant messaging client, said second instant messaging client being

communicably connected to said first instant messaging client via a network, said communications path for communicating information using an instant messaging protocol between the first and second network access devices (Column 3, lines 49-57); and using an instant messaging protocol to communicate hosted application information to the second network access device; said information comprising parameters for sharing the hosted application session being participated in by the first network access device (Column 19, lines 45-49.)” Final Office Action, Page 2-3.

Contrary to the Examiner’s loose representation of Gudjonsson, Gudjonsson discloses improvements to the server portion of a client/server instant messaging network. The Examiner apparently concedes this, based on his summation of the refusal, “that the system is configured to improve upon instant messaging services by adding the immediate services and masking that can increase the security and allow the messaging service to perform the advanced services (Column 2, lines 44-48, lines 62-67).” Final Office Action, Page 20 (emphasis added).

Applicant respectfully submitted that the Office Action mischaracterized the teaching of Gudjonsson, and maintains such a belief. Gudjonsson does not disclose the use of an instant messaging protocol for communicating information relating to hosted application information, but rather teaches improvements to the instant messaging service itself, as implemented through the instant messaging server. Gudjonsson itself states that it is directed to “A network [that] provides users with a simple and secure way of establishing communication sessions with other users or services, running either over IP networks or other networks, e.g., PSTN.” Gudjonsson. Abstract (emphasis added).

The Examiner apparently contends, although it is far from clear, that the server portion of the instant messaging service of Gudjonsson is the hosted application session of the present

application. Such a contention is erroneous. In Gudjonsson, capabilities are provided to an IM user to interrelate with the IM server with respect to buddy lists, security parameters, etc. The user's connection with the IM server is accomplished by the user starting the client on his computer (see, e.g., Figure 15). Such an action would have to be "the hosted application session" by the Examiner's construction. However, this is logically impossible, since the same action would then also have to be "instantiating a first instant messaging client," which does not occur until after the first network access device is already participating in a shared application session. The IM server is not and cannot be a hosted application session, although it may be a service running under a hosted application session.

Furthermore, such a construction would be inconsistent with the specification of the '077 application, which states "The instant messaging application may either be running locally on the accessors network access device 104 or it may be running on the remote application server and be delivered to the accessor in the hosted application session." The '077 patent clearly contemplates that the IM service is distinct from the hosted application session. The IM server of Gudjonsson is clearly not a hosted application session as the term is used in the '077 specification.

Finally, Gudjonsson makes no reference whatsoever to a second network access device sharing the first accessor's "hosted application session", i.e., the setting of buddy lists and security parameters that would have to be the hosted application session in the Examiner's construct. Accordingly, Gudjonsson, while implicitly addressing the use of the server in an instant messaging service, cannot be said to teach the communication of information through an instant messaging service comprising parameters for sharing the hosted application session being participated in by the first network access device, since the sharing of the setting of buddy lists

and security parameters is never discussed by Gudjonsson. The IM server of Gudjonsson is not a hosted application session that can be shared. Accordingly, Gudjonsson cannot anticipate claim 1 of the '077 application, since it fails to disclose a central limitation of the present invention. Claims 6, 24, and 42, were likewise rejected by the Examiner as asserted to be anticipated by Gudjonsson. Each of these claims likewise contain the limitations discussed above with respect to claim 1, that the fast network device be involved in a hosted application session distinct from the communication through an instant messaging service, and that the instant messaging system communicate parameters to allow the sharing of the hosted application session. As above, Gudjonsson does not teach or disclose the use of an instant messaging service to communicate parameters for sharing a hosted application session, and accordingly, Gudjonsson cannot be said to anticipate these claims.

The remaining claims that stand rejected as anticipated by Gudjonsson each depend from one of the above independent claims, and accordingly, as a matter of law, each contain a limitation that is not disclosed by Gudjonsson, and therefore cannot be anticipated by Gudjonsson. Accordingly, Gudjonsson fails to teach each of the limitations present in claims 1, 5-6, 16-17, 20-21, 23-24, 34-36, 39, 41-42, 44, and 46-49, and the present rejection should be reversed by the Board.

## **GROUND 2**

***Whether claims 7-10,13-15,11, 25 18, 31-33, 40, 45, 52, 54-68, 70-83 and 88-93 are unpatentable tinder 35 U.S.C. 103(a) over Gudjonsson in view of Salesky (U.S. Patent No. 6,343,313).***

35 U.S.C. §103(a) recites:

*[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *MPEP 706.02(j)*. [Emphasis added]

As discussed above, Gudjonsson does not teach the use of an instant messaging communicating path for communications parameters for sharing a hosted application session. Similarly, Salesky does not teach or suggest the use of any communicating path for communications parameters for sharing a hosted application session, nor does the Examiner suggest that such a teaching is present. Rather, the Examiner relies on Gudjonsson to

purportedly show the communication of hosted application session sharing parameters. As discussed above, Gudjonsson fails to show this limitation.

Salesky is directed towards the dissemination of information to remote displays to allow individuals at multiple locations to concurrently view a display, wherein the display is controlled by a presenter. Salesky, Col. 1, Lns. 49-58. While having some characteristics similar to the implementation of a shared application session, Salesky fails to teach the use of an instant messaging system to communicate parameters associated with sharing a hosted application session.

Neither Gudjonsson nor Salesky show or suggest the limitation of using an instant messaging service to communicate parameters for sharing a hosted application session. Claims 52, 68, and 83 are the only independent claims not asserted by the Examiner to be anticipated by Gudjonsson. Each of claims 52, 68, and 83 incorporate the limitation of using an instant messaging service to communicate parameters for sharing a hosted application session. Accordingly, the Examiner has failed to either show this limitation to be disclosed in any of the references, or provide any suggestion that a person of ordinary skill in the art, at the time the invention was made, would think to integrate the communicating of parameters for sharing a hosted application session via instant messaging, or any other protocol. As this limitation is also present in Claims 1, 6, and 24, the remaining independent claims, the combination of Gudjonsson and Salesky cannot render these claims obvious. Accordingly, as all of the remaining claims depend from one of these independent claims, the combination of Gudjonsson and Salesky can not render obvious any of the claims of the '077 Application.

The combination of Gudjonsson and Salesky thus fails to teach or suggest each of the limitations present in claims 7-10,13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83 and 88-93, and the rejection of these claims over these references should be reversed by the Board.

### **GROUND 3**

***Whether claims 1 4,18-19, 37-38 and 50-51 are unpatentable under 35 U.S.C. 103(a) over Gudjonsson in view of Slavin (U.S. Patent No. 6,675,193).***

As discussed above, Gudjonsson does not teach the use of any communication path for communications parameters for sharing a hosted application session. Similarly, Slavin et. al. does not teach or suggest the use of an instant messaging communications path for communicating parameters for sharing a hosted application session, nor does the Examiner suggest that such a teaching is present. Rather, the Examiner relies on Gudjonsson to purportedly show the communication of hosted application session sharing parameters. As discussed above, Gudjonsson fails to show this limitation.

Slavin et. al. is directed towards a method and system for remote control of a local system, i.e., the communication of information between a user, and a program running on a remote CPU. While having some characteristics similar to the implementation of a hosted application session, Slavin et. al. fails to teach the use of an instant messaging system to communicate parameters associated with sharing a hosted application session.

Neither Gudjonsson nor Slavin show or suggest the limitation of using an instant messaging service to communicate parameters for sharing a hosted application session. Accordingly, the Examiner has failed to either show this limitation to be disclosed in any of the references, or provide any suggestion that a person of ordinary skill in the art, at the time the invention was made, would think to integrate the communicating of parameters for sharing a hosted application session with instant messaging, or any other protocol. As this limitation is

present in each of the independent claims, the combination of Gudjonsson and Slavin et al. cannot render obvious any of the claims of the '077 Application.

The combination of Gudjonsson and Slavin thus fails to teach or suggest each of the limitations present in' claims 2-4,18-19, 37-38 and 50-51, and the rejection of these claims over these references should be reversed by the Hoard

#### **GROUND 4**

***Whether claims 11 11,19 29-30, 43, 53, 69 and 84 are unpatentable under 35 U.S.C. 103(a) over Gudjonsson in view of Salesky, and in further view of Danneels (U.S. Patent No. 5,514,110).***

As discussed above, neither Gudjonsson nor Salesky teach the use of an instant messaging communications path for communicating parameters for sharing a hosted application session. Similarly, Danneels et. al. does not teach or suggest the use of an instant messaging communications path for communicating parameters for sharing a hosted application session, nor does the Examiner suggest that such a teaching is present. Examiner relies on Gudjonsson to purportedly show the communication of hosted application session sharing parameters via an instant messaging system. Danneels et. al. is directed towards a computer based conferencing system capable of selectively conferencing multiple terminals over two or more types of communications paths.

Accordingly, the combination of Gudjonsson, Salesky et. al. and Danneels et. al. fails to show or suggest the limitation of using an instant messaging service to communicate parameters for sharing a hosted application session. Accordingly, the Examiner has failed to either show this limitation to be disclosed in any of the references, or provide any suggestion that a person of ordinary skill in the art, at the time the invention was made, would think to integrate the communicating of parameters for sharing a hosted application session with instant messaging, or

any other protocol. As this limitation is present in each of the independent claims, the combination of Gudjonsson and Slavin et al. cannot render obvious any of the claims of the '077 Application.

The combination of Gudjonsson, Salesky et. al., and Danneels et. al. thus fails to teach or suggest each of the limitations present in claims 11-12, 29-30, 43, 53, 69 and 84, and the rejection of these claims over these references should be reversed by the Board.


\* \* \*

In view of the foregoing discussion, it is respectfully submitted that the Examiner's rejection of claims 1-93 are improper and should be reversed by the Board.

Respectfully submitted,

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Dated: December 10, 2007

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## **VIII. CLAIM APPENDIX**

1. (original) A method for communicating hosted application information to allow sharing of a hosted application session, comprising the steps of instantiating a first instant messaging client on a first network access device, said first network access device being remote from a hosted application server, said first network access device participating in a hosted network application;

establishing a communications path from the first network access device to a second network access device, said second network access device running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via a network, said communications path for communicating information using an instant messaging protocol between the first and second network access devices; and

using an instant messaging protocol to communicate hosted application information to the second network access device, said information comprising parameters for sharing the hosted application session being participated in by the first network access device.

2. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 1, wherein said hosted application information comprises port information for accessing a hosted application session to be shared.

3. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 1, wherein said hosted

application information comprises protocol information for accessing a hosted application session to be shared

4. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 1, wherein said hosted application information comprises access authorization information for accessing a hosted application session to be shared.

5. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 1, wherein said hosted application information is masked to prevent said information from being readily discernible by a user of the first or second network access device.

6. (currently amended) A method for communicating hosted application information to allow sharing of a hosted application session comprising the steps of instantiating a first instant messaging client on a first network access device, said first network access device being remote from a hosted application server, said first network access device participating in a hosted network application;  
establishing a communications path from the first network access device to a second network access device, said second network access device running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via a network; and

receiving a request to issue an invitation from the first network access device to the second network access device, said invitation inviting a user of the second network access device to participate in a shared hosted application session through the second network access device, said invitation comprising parameters for sharing the hosted application session.

7. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 6, further comprising the step of determining whether a hosted application is shareable before issuing an invitation to the second network access device.

8. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 7, wherein the step of determining whether a hosted application session is shareable comprises determining whether the hosted application server is capable of supporting a shared hosted application session.

9. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 6, further comprising the step of determining whether the second network access device is capable of participating in a shared hosted application session before allowing an invitation to be communicated to the second network access device.

10. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 9, wherein the step of determining whether the second network access device is capable of participating in a shared hosted application session comprises determining whether the second network access device has compatible hosted application sharing software installed.

11. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 9, wherein the step of determining whether the second network access device is capable of participating in a shared hosted application session comprises determining whether the second network access device is able to access the hosted application server in accordance with hosted application information communicated to the second network access device.

12. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 11, wherein the step of determining whether the second network access device is able to access the hosted application server comprises instantiating a server access attempt from the second network access device to the hosted application server to determine whether the second network access device is capable of communicating with a port on a hosted application server in accordance with the hosted application information.

13. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 6, further comprising the step of determining whether a network access device should be invited to share a hosted application session, said determination being dependant upon the performance capability of the network access device.

14. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 13, wherein the determination is dependant upon a graphical display resolution of the network access device.

15. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 13, wherein the determination is dependant upon the bandwidth of the network connection between the network access device and the hosted application server.

16. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 6, further comprising the step of communicating hosted network application information to the second network access device, wherein said hosted network application information is masked to prevent

said information from being readily discernible by a user of the second network access device.

17. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 16, wherein said hosted application information is encrypted while being communicated to the second network access device.

18. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 16, wherein said hosted application information comprises access authorization information.

19. (previously presented) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 18, wherein said access authorization information is unique to a hosted application sharing session.

20. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 16, wherein said hosted application information is communicated to said second network access device via said first network access device, and further wherein said hosted application information is

masked to prevent said information from being readily discernible by a user of the first network access device.

21. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 6, wherein said hosted application information comprises role information for defining a participants authority to interact with a shared hosted application.

22. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 21, wherein said role information may be used to alternate control of a shared hosted application session between a first network access device and a second network access device.

23. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 21, wherein a user is associated with a network access device, said user having an identity, and wherein said role information is dependant on the identity of the user.

24. (original) A method for communicating hosted application information to allow sharing of a hosted application session comprising the steps of:

instantiating a first instant messaging client on a first network access device, said first network access device being remote from a hosted application server, said first network access device participating in a hosted network application;

establishing a communications path from a second network access device to the first network access device, said second network access device having a second network connection, said network connection having a band width, said second network access device further running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via the network connection, said communications path for communicating hosted application information using an instant messaging protocol between the first and second network access devices; and

receiving at the first network access device a request from the second network access device, said request requesting communication of hosted network application information to the second network access device to allow the second network access device to participate in a shared hosted application session.

25. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 24, further comprising the step of determining whether a hosted application can be shared before communicating hosted application information to the second network access device.

26. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 25, wherein the

step of determining whether a hosted application session can be shared comprises determining whether the hosted application server is capable of supporting a shared hosted application session.

27. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 25, further comprising the step of determining whether the second network access device is capable of participating in a shared hosted application session before communicating hosted application information to the second network access device.

28. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 27, wherein the step of determining whether the second network access device is capable of participating in a shared hosted application session before communicating hosted application information to the second network access device comprises determining whether the second network access device has compatible hosted application sharing software installed.

29. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 27, wherein the step of determining whether the second network access device is capable of participating in a shared hosted application session before communicating hosted application

information to the second network access device comprises determining whether the second network access device is able to access the hosted application server in accordance with hosted application information communicated to the second network access device.

30. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 29, wherein the step of determining whether the second network access device is able to access the hosted application server comprises instantiating a server access attempt from the second network access device to the hosted application server to determine whether the second network access device is capable of communicating with a port on a hosted application server in accordance with the hosted application information.

31. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 24, further comprising the step of determining whether hosted application information should be communicated to the second network access device in response to a request, said determination being dependant upon the performance capability of the second network access device.

32. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 31, wherein the

determination is dependant upon the graphical display resolution of the network access device.

33. (original) A method for communicating hosted application information to allow sharing of a hosted network application session according to claim 31, wherein the determination is dependant upon the bandwidth of the second network connection.

34. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 24, further comprising the step of communicating hosted application information to the second network access device, wherein said hosted application information is masked to prevent said information from being readily discernible by a user of the second network access device.

35. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 34, wherein said hosted network application information is encrypted while being communicated to the second network access device.

36. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 34, wherein said hosted application information is communicated to said second network access device via said

first network access device, and further wherein said hosted application information is masked to prevent said information from being readily discernible by a user of the first network access device.

37. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 34, wherein said hosted application information comprises access authorization information.

38. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 37, wherein said access authorization information is unique to a hosted application sharing session.

39. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 24, wherein said hosted application information comprises role information, said role information defining the authority of a network access device to interact with a shared hosted application.

40. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 39, wherein said role information is used to alternate control of a shared hosted application session between a first network access device and a second network access device.

41. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 39, wherein a user is associated with a network access device, said user having an identity, and wherein said role information is dependant on the identity of the user.

42. (original) A method for providing assistance for a hosted application to an accessor of the hosted application from a support network access device, comprising the steps of:

instantiating an instant messaging client on a network aces device being used by the accessor; instantiating an instant messaging client on a support network access device; receiving a support request from the accessor network access device, said accessor network access device accessing a hosted application from a remote location, said request being a request for assistance for an on going hosted application session;

communicating to the support network access device hosted application information using an instant messaging protocol, said hosted application information comprising information for allowing the support network access device to share the on going hosted application session; and

instantiating an access to the on going hosted application session on the support network access device, said access causing the hosted application session to become shared with the support network access device.

43. (original) A method for providing accessor assistance for a hosted application according to claim 42, wherein the hosted application information comprises port identification information, said port identification information comprising identification of at least one port on a hosted application server, said hosted application server hosting the on going hosted application session.

44. (original) A method for providing accessor assistance for a hosted application according to claim 42, wherein the hosted application information comprises role information, said role information defining the authority of a network access device to interact with a shared hosted application.

45. (original) A method for providing accessor assistance for a hosted application according to claim 44, wherein said role information may be used to alternate control of a shared hosted application session between said accessor network access device and said support network access device.

46. (previously presented) A method for providing accessor assistance according to claim 44, wherein an accessor is associated with the accessor network access device, said accessor having an identity, and wherein said role information is dependant on the identity of the accessor.

47. (original) A method for providing accessor assistance for a hosted application according to claim 42, wherein said hosted application information is masked to prevent said information from being readily discernible by a user of the support network access device.

48. (original) A method for providing customer assistance for a hosted application according to claim 42, wherein said hosted application information is masked to prevent said information from being readily discernible by a user of the accessing network access device.

49. (original) A method for providing accessor assistance for a hosted application according to claim 42, wherein said hosted network application information is encrypted while being communicated to the support network access device.

50. (original) A method for providing accessor assistance for a hosted application according to claim 42, wherein said hosted application information comprises access authorization information.

51. (original) A method for providing accessor assistance for a hosted application according to claim 50, wherein said access authorization information is unique to the support request.

52. (original) A method for providing a hosted application training session, said training session including shared access to a hosted application session between at least one trainer and at least one trainee, said method comprising the steps of:

- instantiating a hosted application session from a trainees network access device, said hosted application session hosted by a remote hosted application server, said trainees network access device being connected to a communications network, said remote hosted application server also being connected to the network;
- instantiating an instant messaging client on the at least one trainees network access device;
- instantiating an instant messaging client on at least one trainees network access device, said network access device having a trainee's connection to the communications network, said trainee's network connection having a bandwidth;
- communicating to the at least one trainee's network access device a capability verification request;
- determining whether said at least one trainee's network access device is capable of participating in a shared hosted application training session; and
- when it is determined that said at least one trainee's network access device is capable of participating in a shared hosted application session, communicating to the at least one trainee's network access device hosted application information, said hosted application information

comprising information allowing the at least one trainee's network access device to share a hosted application training session.

53. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein said capability verification request comprises application server port information, and wherein said determination of whether said at least one trainee's network access device is capable of participating in a shared hosted application training session comprises determining whether the at least one trainee's network access device is capable of communicating with the hosted application server via the application server port information.

54. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein performance capabilities of a trainee's network access device affect performance of a shared application training session, said effect being quantifiable as an amount, wherein said determination of whether said at least one trainee's network access device is capable of participating in a shared hosted application training session is dependant on the amount that said at least one trainee's network access device will restrict performance of the shared hosted application session.

55. (original) A method for providing hosted application information to enable a hosted application training session according to claim 54, wherein performance

capabilities of a trainee's network access device affect performance of a shared application training session, said effect being quantifiable as an amount, wherein the amount that said at least one trainee's network access device will restrict performance of the shared hosted application session is dependant on the bandwidth of the at least one trainee's network connection.

56. (original) A method for providing hosted application information to enable a hosted application training session according to claim 54, wherein performance capabilities of a trainee's network access device affect performance of a shared application training session, said effect being quantifiable as an amount, wherein the amount that said at least one trainee's network access device will restrict performance of the shared hosted application session is dependant on an ability of the trainee's network access device to display information associated with the hosted application session.

57. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein said determination of whether said at least one trainee's network access device is capable of participating in a shared hosted application training session comprises determining whether the at least one trainee's network access device has adequate software installed to allow said at least one trainee's network access device to share a hosted application session.

58. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein the step of communicating to said at least one trainee's network access device a capability verification request occurs in response to a request from the at least one trainees network access device to participate in a shared hosted application training session.

59. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein the step of communicating to said at least one trainees network access device a capability verification request occurs in response to a request from the at least one trainees network access device to invite a user to participate in a shared hosted application training session.

60. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein the step of communicating to said at least one trainee's network access device a capability verification request further comprises masking the capability verification request such that it is not readily discernible to a user of said at least one trainee's network access device.

61. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein the step of communicating to said at least one trainee's network access device a capability

verification request further comprises the step of encrypting the capability verification request prior to communicating the capability verification request to said at least one trainee's network access device.

62. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein the step of communicating to said at least one trainee's network access device hosted application information further comprises masking the hosted application information such that it is not readily discernible to a user of said at least one trainee's network access device.

63. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein the step of communicating to said at least one trainee's network access device hosted application information further comprises the step of encrypting the hosted application information prior to communicating the capability verification request to said at least one trainee's network access device.

64. (original) A method for providing hosted application information to enable a hosted application training session according to claim 52, wherein said hosted application information for allowing said at least one trainee's network access device to share a hosted application training session further comprises role information, said role

information defining authority of a network access device to interact with a shared hosted application training session.

65. (original) A method for providing hosted application information to enable a hosted application training session according to claim 64, wherein said role information is used to alternate control of a shared hosted application session between a trainer's network access device and a trainee's network access device.

66. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 64, wherein at least one trainee is associated with said at least one trainee's network access device, said at least one trainee having an identity, and wherein authority associated with said role information is dependant on the identity of the at least one trainee.

67. (original) A method for communicating hosted application information to allow sharing of a hosted application session according to claim 64, wherein at least one trainer is associated with said at least one trainer's network access device, said at least one trainer having an identity, and wherein authority associated with said role information is dependant on the identity of the at least one trainer.

68. (original) A method for providing a shared hosted application session, wherein said session is shared among a plurality of shared hosted application participants; comprising the steps of:

- instantiating a hosted application session on a first network access device associated with a fast application participant, said hosted application session being hosted by an application hosting server,
- instantiating an instant messaging client on said first network access device;
- using said instant messaging client to establish a communications path to at least a second network access device associated with at least a second participant, said second network access device having a second connection to the network, said second network connection having a bandwidth;
- communicating to said at least second network access device a capability verification request;
- determining whether said second network access device is capable of participating in a shared hosted application session;
- when it is determined that said second network access device is capable of participating in a shared hosted application session, communicating to the at least second participant via the communications path an invitation to share the hosted application session;
- when it is determined that said second network access device is capable of participating in a shared hosted application session, determining whether the at least second participant desires to participate in a shared hosted application session;
- when it is determined that said second network access device is capable of participating in a shared hosted application session and that said at least second participant desires to

participate in a shared hosted application session, communicating to said second network access device hosted application information, said hosted application information for allowing said second network access device to share a hosted application session; and

when it is determined that said second network access device is capable of participating in a shared hosted application session and that said at least second participant desires to participate in a shared hosted application session, instantiating an access to the shared application session on said at least second network access device in accordance with the communicated hosted application information.

69. (original) A method for providing a shared hosted application session according to claim 68, wherein said capability verification request comprises application server port information, and wherein said determination of whether said second network access device is capable of participating in a shared hosted application session comprises determining whether said second network access device is capable of communicating with the hosted application server via the application server port information.

70. (original) A method for providing a shared hosted application session according to claim 68, wherein performance capabilities of a network access device affect performance of a shared application session, said effect being quantifiable as an amount, wherein said determination of whether said second network access device is capable of participating in a shared hosted application session is dependant on the amount

that said second network access device will restrict performance of the shared hosted application session.

71. (original) A method for providing a shared hosted application session according to claim 70, wherein the amount that said second network access device will restrict performance of the shared hosted application session is dependant on the bandwidth of the second network connection.

72. (original) A method for providing a shared hosted application session according to claim 70, wherein the amount that said second network access device will restrict performance of the shared hosted application session is dependant on an ability of the second network access device to display information associated with the hosted application session.

73. (original) A method for providing a shared hosted application session according to claim 68, wherein said determination of whether said second network access device is capable of participating in a shared hosted application session comprises determining whether said second network access device has adequate software installed to allow said second network access device to participate in a shared hosted application session.

74. (original) A method for providing a shared hosted application session according to claim 68, wherein the step of communicating to said second network access device a capability verification request further comprises masking the capability verification request such that it is not readily discernible to said second participant.

75. (original) A method for providing a shared hosted application session according to claim 68, wherein the step of communicating to said second network access device a capability verification request further comprises the step of encrypting the capability verification request prior to communicating the capability verification request to said second network access device.

76. (original) A method for providing a shared hosted application session according to claim 68, wherein the step of communicating to said second network access device hosted application information further comprises masking the hosted application information such that it is not readily discernible to said second participant.

77. (original) A method for providing a shared hosted application session according to claim 68, wherein the step of communicating to said second network access device hosted application information further comprises the step of encrypting the hosted application information prior to communicating the hosted application information to said second network access device.

78. (original) A method for providing a shared hosted application session according to claim 68, wherein the step of communicating hosted application information to said second network access device further comprises the step of communicating the hosted application to the second network access device from the first network access device, the method further comprising the step of masking the hosted application information such that it is not readily discernible to a user of said first network access device.

79. (original) A method for providing a shared hosted application session according to claim 68, wherein the step of communicating hosted application information to said second network access device further comprises the step of communicating the hosted application to the first network access device before the hosted application information is communicated to the second network access device, and wherein the step of communicating hosted application information to said first network access device further comprises the step of encrypting the hosted application information prior to communicating the hosted application information to said first network access device.

80. (original) A method for providing a shared hosted application session according to claim 68, wherein said hosted application information for allowing said second network access device to share a hosted application session further comprises role

information, said role information defining the authority of said second network access device to interact with a shared hosted application session.

81. (original) A method for providing a shared hosted application session according to claim 80, wherein said role information is used to alternate control of a shared hosted application session between said first network access device and said second network access device.

82. (original) A method for providing a shared hosted application session according to claim 80, wherein said second participant has an identity, and wherein said role information is dependant on said identity.

83. (currently amended) A computer readable medium tangibly embodying instructions which, when executed by a network access device, implement a process comprising the steps of

causing an instant messaging service to be instantiated on a first network access device, said first network access device having a first network connection to a network;

causing the instantiated instant messaging service to establish a communications path with a remote network access device, said remote network access device having a second network connection to a the network;

receiving at the first network access device a capability verification request;

determining whether the first network access device meets capability requirements, said capability requirements identified in the capability verification request;

communicating to the remote network access device whether the first network access device meets capability requirements;

when the first network access device meets capability requirements, receiving at the first network access device hosted application parameters for sharing a session; and

when said hosted application information indicates an available hosted application, attempting to establish a hosted application session with the available hosted application.

84. (original) A computer readable medium tangibly embodying instructions according to claim 83, wherein said capability verification request comprises application server port information, and wherein said determination of whether the first network access device meets capability requirements comprises determining whether the first network access device is capable of communicating with a hosted application server via the application server port information.

85. (original) A computer readable medium tangibly embodying instructions according to claim 84, wherein performance capabilities of said first network access device affect performance of a shared hosted application session, said affect being quantifiable as an amount, and wherein said determination of whether the first network access device meets capability requirements is dependant on the amount that said first network access device will restrict performance of a shared hosted application session.

86. (original) A computer readable medium tangibly embodying instructions according to claim 85, wherein the amount that said first network access device will restrict performance of a shared hosted application session is dependant on the bandwidth of the first network connection.

87. (original) A computer readable medium tangibly embodying instructions according to claim 85, said first network access device having a capability to display information associated with a hosted application session, wherein the amount that said first network access device will restrict performance of a shared hosted application session is dependant on said capability of the first network access device to display information associated with a hosted application session.

88. (original) A computer readable medium tangibly embodying instructions according to claim 83, wherein said determination of whether said first network access device is capable of participating in a shared hosted application training session comprises determining whether said first network access device has adequate software installed to allow said first network access device to share a hosted application session.

89. (original) A computer readable medium tangibly embodying instructions according to claim 83, said instructions implementing a process further comprising the

step of decrypting hosted application information when received hosted application information is encrypted.

90. (original) A computer readable medium tangibly embodying instructions according to claim 83, said instructions implementing a process further comprising the step of receiving role information, said role information identifying the authority of the network access device to interact with a shared hosted application session.

91. (original) A computer readable medium tangibly embodying instructions according to claim 83, said instructions implementing a process further comprising the step of controlling interaction between a computer executing the process and a shared hosted application.

92. (original) A computer readable medium tangibly embodying instructions according to claim 91, wherein the step of controlling interaction is dependant on an identity associated with a user of the computer executing the process.

93. (original) A computer readable medium tangibly embodying instructions according to claim 91, wherein said hosted application information comprises role information, and the step of controlling interaction is dependant on said role information.

**IX. Evidence Appendix**

No additional evidence is relied upon by Applicant that will directly affect or be directly affected or have a bearing on the Board's decision in this present appeal.

**X. Related Proceedings**

No copies of decisions rendered by a court or the Board are provided because there are no appeals or interferences known to Appellant or Appellant's legal representative that will directly affect or be directly affected by or have a bearing on the Board's decision in this present appeal.